

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

**BARRE EUGENE HUNTER, and
VENDA MARIE HUNTER,**

Plaintiffs,

v.

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
AMERICAN HOME MORTGAGE ASSETS
TRUST 2007-3 MORTGAGE BACKED
PASS-THROUGH CERTIFICATES,
SERIES 2007-3, and Ocwen Loan Servicing,
LLC**

Defendants.

CASE NO.: _____

NOTICE OF REMOVAL

Defendants Ocwen Loan Servicing, LLC (“Ocwen”) and Deutsche Bank National Trust Company, as Trustee for American Home Mortgage Asset Trust 2007-3, Mortgage-Backed Pass-Through Certificates Series 2007-3 (“Deutsche Bank,” collectively “Defendants”) and pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, hereby remove this action from the Circuit Court of Jackson County, Missouri to the United States District Court for the Western District of Missouri, Western Division. The removal of this action is based on the following:

1. Plaintiffs Barre Hunter and Venda Hunter (“Plaintiffs”) filed their original petition on January 9, 2014 in the Circuit Court of Jackson County, Missouri. Plaintiffs’ original petition contained various state law claims regarding the execution of a promissory note and deed of trust and foreclosure sale on the property located at 3020 S. Fields Road, Oak Grove, Missouri

(“Property”). A true and correct copy of all processes, pleadings and orders entered in this action to date are attached as Exhibit A.

2. On February 17, 2015, Plaintiffs filed their Fourth Amended Petition claiming, for the first time, violations of a federal statute—specifically the Racketeer Influence and Corrupt Organizations Act (“RICO”), 18 U.S.C. §§1961-1968. *See Exhibit A*

3. Removal of this case is timely in accordance with 28 U.S.C. § 1446(b), because this Notice is filed within 30 days of February, 2015, the date Defendants received an amended pleading from which it was first ascertained that the case was removable.

4. As more fully set out below, this case is properly removed to this court pursuant to 28 U.S.C. § 1441 because Defendants have satisfied the procedural requirements for removal and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331.

BASIS FOR REMOVAL—FEDERAL QUESTION JURISDICTION

5. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 (federal question jurisdiction).

6. Plaintiffs’ Fourth Amended Petition alleges that Defendants schemed to defraud Plaintiffs and deprived them of ownership of the Property in violation of the Racketeer Influence and Corrupt Organizations Act (“RICO”), 18 U.S.C. §§1961-1968. Fourth Am. Pet. ¶¶59-65.

7. Defendants deny each and every substantive allegation made by Plaintiffs and denies they can state a claim under RICO. However, because Plaintiffs purport to assert violation of the laws of the United States, this Court possess jurisdiction over the matter pursuant to 28 U.S.C. § 1331.

8. Plaintiffs also purport to allege state law claims of quiet title, declaratory judgment and violations of the Missouri Merchandising Practices Act. These claims should be removed as

well, under 28 U.S.C. § 1367. This Court has supplemental jurisdiction over Plaintiffs' state law claims because these claims arise out of the same operative facts as the Plaintiffs' RICO claim and "form part of the same case or controversy under Article III of the United States Constitution." See 28 U.S.C. § 1367(a).

VENUE

9. Venue for removal is proper in this district and division under 28 U.S.C. § 1441(a) because this district and division embrace the Circuit Court of Jackson County, Missouri, the forum in which the removed action was pending.

WHEREFORE, Ocwen and Deutsche Bank respectfully submit that this Notice complies with the statutory removal requirements; that this action should proceed in this Court as a properly removed action; and that Ocwen and Deutsche Bank should have such other and further relief as this Court may deem just and proper.

THE BOYD LAW GROUP, L.C.

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Attorney for Defendants

CERTIFICATE OF SERVICE

It is hereby certified that a true and accurate copy of the above and foregoing was served on this 20th day of February, 2015, by first-class mail, postage prepaid, addressed to:

Elizabeth A. Marr
200 Northeast Missouri Road #200.
Lee's Summit, MO 64086

